

# **MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS**

**SEPTEMBER 3, 2008**

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **September 3, 2008** in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 W. Granite Street, Butte, Montana by Chief Executive Paul Babb.

## **ROLL CALL**

9 present, 3 absent. Commissioners O'Leary, Fay and Frasz were excused.

## **PRAYER**

Commissioner Sorich led the commissioners in prayer.

## **APPROVAL OF THE MINUTES OF THE REGULAR MEETINGS OF AUGUST 6, 2008 AND AUGUST 20, 2008**

It was moved by Commissioner Lee, seconded by Commissioner Coleman and carried by a unanimous verbal vote to approve the minutes of the Regular Meetings of August 6, 2008 and August 20, 2008.

## **ITEMS NOT ON THE AGENDA – SUSPENSION OF THE RULES**

None

## **PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA**

None

## **CHIEF EXECUTIVE'S REPORT**

Chief Executive Babb reported that the management team has gone through the Fox Lawson's findings on the appeals. We've worked out all of the financial details. The minimum that anyone will get is a cost of living allowance which is 2.6%. They will meet personally with everyone that is affected and give them a letter and go over any questions they might have.

On Sunday, September 7<sup>th</sup> through the 11<sup>th</sup> the National Mining Summit will be in Butte. Contact Tom Malloy if you wish to attend.

Next Tuesday there will be an NRD Advisory Council Meeting. All Butte-Silver Bow's projects have been approved and submitted to the Advisory Council with a recommendation of approval.

## **SECTION I**

### **PRESENTATION COMMUNICATION NO. 08-624**

Jeff Amerman, Finance and Budget Director, requesting time on 9/3/08 agenda to make a brief presentation regarding recent bond ratings received for the Archives bond and water refund bond.

Jeff Amerman, Finance and Budget Director, told the Council that we received an A+ rating on both the Archives bond and the water refund bond. In terms of these bonds the difference between the ratings that we got, the interest rates from what we had presented to the voters for the Archives Building Project was a savings of interest of \$340,000. Our water bond refunds we are anticipating a savings of \$250,000.

**It was moved by Commissioner Lee, seconded by Commissioner Coleman and carried with a unanimous verbal vote to place Communication No. 08-624 on file.**

## **SECTION I-A**

### **PUBLIC HEARING**

**FOR THE PURPOSE TO SOLICIT PUBLIC COMMENTS REGARDING A REQUEST BY TRI-CITY, INC. FOR A LOCAL OPTION ABATEMENT AS DESCRIBED BY MONTANA CODE ANNOTATED (MCA) 15-24-1502, TAX EXEMPTION AND ABATEMENT FOR REMODELING, RECONSTRUCTION, OR EXPANSION OF CERTAIN COMMERCIAL – APPROVAL. (Communication No. 08-597 being held in Committee of the Whole) Proof of publication was noted and placed on file.**

Karen Byrnes, Director of Community Development, gave the staff report. She recommended approval of the abatement for a five-year period. It is about a \$66,000.00 abatement over a five-year period. They will be providing six new full-time positions at one of the stores. There would be five full-time positions traded by the expansion of the Car Quest Store and the inclusion of the propone business.

Chief Executive Babb then opened the public hearing at 7:40 PM and called for any proponents. Betty Kissock of Kissock Realty came forward as a proponents. There being no other proponents, Chief Executive Babb called the public hearing closed at 7:45 PM and called for any opponents. On the third and final call there being none he closed the public hearing at 7:45PM.

## SECTION II

## CONSENT AGENDA

- A. 1. COMMITTEE OF THE WHOLE MEETING REPORT
- 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
- 3. JUDICIARY COMMITTEE MEETING REPORT
- 4. PUBLIC WORKS COMMITTEE MEETING REPORT
- 5. PERSONNEL COMMITTEE MEETING REPORT

## B, COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any segregations. Commissioner Coleman made a “friendly amendment to the Judiciary Committee Meeting Report, Section I, The recommendation should read “Committee recommends that the County Attorney be requested to draft a lease for the golf course and provide a copy to all council members” Commissioner Sorich segregated No. XIV. Communication No. 08-585 of the Committee of the Whole Meeting Report.

**It was then moved by Commissioner Lee, seconded by Commissioner Coleman and carried by a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 through 5, with the segregation mentioned by Mr. Sorich and Under Section B, Items 1 through 21.**

### **Segregation of Communication No. 08-585.**

Jeff Amerman, Finance and Budget Director, requesting time on 8/20/08 to make a presentation on FY 2008-2009 Preliminary Budget.

Commissioner Sorich segregated this Communication to give Mr. Amerman an opportunity to present Exhibit C to the Council this evening.

Mr. Amerman came to the microphone said Exhibit C also includes the results the results of everything that had been brought forth last week as well as Fox Lawson and some additional adjustments, which are Machinery and Equipment and ½ half time clerical. Both of these were requested by council at our last meeting – the ½ FTE in Justice Court and the increase for the Document Indexing System in the Clerk and Recorder’s Office both of which had been moved to be approved last week. The next one down is a reduction Russ-Reid and Company for the Council of Commissioners. This takes \$120,000 out of the line item 350 Professional Services in the Council Budget. This was requested early this week by Commissioner Foley. The next batch is simply housekeeping issues. There are adjustments related to Fox Lawson Study.

Commissioner Sorich made a motion to approve Exhibit B and C amendments to the 2008 – 2009 Preliminary Budget and hold Communication No. 08-585 in abeyance. Commissioner Coleman seconded the motion and it carried with a unanimous verbal vote.

### SECTION III

### COMMUNICATIONS TO BE READ AND ACTED UPON

1. 08-603 Paul Babb, Chief Executive, requesting concurrence in the confirmation of Mr. Kelly Lee as a Firefighter with the Butte-Silver Bow Fire Department. **It was moved by Commissioner Lee, seconded by Commissioner Coleman and carried by a unanimous verbal to approve the request and place on file.**
2. 08-604 Paul Babb, Chief Executive, requesting concurrence in the confirmation of Mr. Zach Osbourne as a firefighter with the Butte-Silver Bow Fire Department. **It was moved by Commissioner Lee, seconded by Commissioner Coleman and carried by a unanimous verbal vote to approve the request and place on file.**
3. 08-605 Paul Babb, Chief Executive, requesting concurrence in the confirmation of Mr. Kahl Clark as a firefighter with Butte-Silver Bow Fire Department. **It was moved by Commissioner Lee, seconded by Commissioner Coleman and carried by a unanimous verbal vote to approve the request and place on file.**
4. 08-606 Paul Babb, Chief Executive, requesting concurrence in the confirmation off Mr. Kurt Sheehan as a firefighter with the Butte-Silver Bow Fire Department. **It was moved by Commissioner Lee, seconded by Commissioner Coleman and carried by a unanimous verbal vote to approve the request and place on file.**

At this time Chief Executive Babb called on Jeff Miller, Director of Fire Services who introduced each of the above firefighters except Firefighter Osborne who as not able to attend.

5. 08-623 Toby Day, County Extension Agent, requesting council take action on request to add a 0.5 FTE to the County Extension Office in the 2009 budget.

Toby Day, County Extension Agent, explained that part of the issue in his office that he only has a half-time employee now and when he is out of the office his door is closed. Tim Clark, Personnel Director, explained that this position would probably be claimed by the Clerk's Union. The position would have to be posted first. As a half-time position, it will be easy to post.

**It was moved by Commissioner Coleman, seconded by Commissioner Lee**

A RESOLUTION FIXING THE TAX LEVY OR SERVICE CHARGE FOR THE VARIOUS FUNDS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY OR SERVICE CHARGE FOR EACH FUND FOR FISCAL YEAR 2008 – 2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**3. COUNCIL RESOLUTION NO. 08-68**

A RESOLUTION FIXING THE MANDATORY TAX LEVIES FOR THE VARIOUS FUNDS OF THE STATE OF MONTANA AT THE RATE WHICH WILL RAISE THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2008-2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN BE IT RESOLVED BY THE COUNCIL OF COMMISSIONERS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA.

**4. COUNCIL RESOLUTION NO. 08-69**

A RESOLUTION FIXING THE TAX LEVY FOR THE TOWN OF WALKERVILLE, STATE OF MONTANA AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2008 – 2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**5. COUNCIL RESOLUTION NO. 08-70**

A RESOLUTION ESTIMATING AS NEAR AS POSSIBLE THE COST OF MAINTAINING SPECIAL IMPROVEMENT DISTRICTS NUMBER 401 AND NUMBER 402 FOR THE PURPOSE OF FIRE HYDRANT RENTAL WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, FOR THE FISCAL YEAR 2008 – 2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**6. COUNCIL RESOLUTION NO. 08-71**

A RESOLUTION LEVYING SPECIAL ASSESSMENTS TO PAY THE COSTS OF LIGHTING WITHIN THE SPECIAL IMPROVEMENT DISTRICTS ENUMERATED BY THIS RESOLUTION WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**7. COUNCIL RESOLUTION NO. 08-72**

A RESOLUTION FIXING AND ESTABLISHING SEWER RATES AND SERVICE CHARGES FOR THE OPERATION AND MAINTENANCE OF THE METRO SEWER SANITARY AND STORM SEWER SYSTEM AND FOR THE OPERATION AND MAINTENANCE OF THE METRO SEWER TREATMENT PLANT BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA FOR THE FISCAL YEAR 2008 – 2009; FIXING AND ESTABLISHING AN ADDITIONAL CHARGE FOR A CAPITAL IMPROVEMENT FUND TO DEFRAY THE COST OF ENVIRONMENTALLY

MANDATED IMPROVEMENTS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**8. COUNCIL RESOLUTION NO. 08-73**

A RESOLUTION LEVYING A SPECIAL ASSESSMENT FOR THE FISCAL YEAR 2008 – 2009 AGAINST THE PROPERTY FROM WHICH SOLID WASTE IS TO BE COLLECTED AND REMOVED FROM EACH INDIVIDUAL DWELLING COLLECTION UNIT FOR THE PURPOSE OF DEFRAYING THE COST AND EXPENSES OF COLLECTING AND REMOVING SAID SOLID WASTE; LEVYING A LANDFILL FACILITY ACCESS FEE FOR THE FISCAL YEAR 2008 – 2009 AGAINST THE PROPERTY FROM WHICH SOLID WASTE IS TO BE DISPOSED OF FOR EACH INDIVIDUAL DISPOSAL UNIT FOR THE PURPOSE OF DEFRAYING THE COST AND EXPENSES OF MAINTAINING AND OPERATING SAID SOLID WASTE DISPOSAL FACILITY AND ESTABLISHING A SCHEDULE OF FEES FOR SUCH ASSESSMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**9. COUNCIL RESOLUTION NO. 08-74**

A RESOLUTION FIXING THE RATE OF ASSESSMENT TO FINANCE THE COST OF EACH STREET MAINTENANCE DISTRICT WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, FOR THE FISCAL YEAR 2008 – 2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**10. COUNCIL RESOLUTION NO. 08-75**

A RESOLUTION FIXING THE MANDATORY TAX LEVY FOR VARIOUS COUNTY WIDE FUNDS OF THE SCHOOL DISTRICTS WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2008 – 2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**11. COUNCIL RESOLUTION NO. 08-76**

A RESOLUTION FIXING THE TAX LEVY FOR THE VARIOUS FUNDS OF BUTTE (COUNTY) HIGH SCHOOL DISTRICT NO. 1 AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2008 – 2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**12. COUNCIL RESOLUTION NO. 08-77**

A RESOLUTION FIXING THE TAX LEVY FOR THE VARIOUS FUNDS OF BUTTE ELEMENTARY SCHOOL DISTRICT NO. 1 AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2008 – 2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**13. COUNCIL RESOLUTION NO. 08-78**

A RESOLUTION FIXING THE TAX LEVY FOR THE VARIOUS FUNDS OF THE JOINT HIGH SCHOOL DISTRICT AND THE JOINT ELEMENTARY DISTRICTS NO. 1 – 4 AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2008 – 2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**14. COUNCIL RESOLUTION NO. 08-79**

A RESOLUTION FIXING THE TAX LEVY FOR THE VARIOUS FUNDS OF RAMSAY ELEMENTARY SCHOOL DISTRICT NO. 3 AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2008 – 2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**15. COUNCIL RESOLUTION NO. 08-80**

A RESOLUTION FIXING THE TAX LEVY FOR THE VARIOUS FUNDS OF DIVIDE ELEMENTARY SCHOOL DISTRICT NO. 4 AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2008 – 2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**16. COUNCIL RESOLUTION NO. 08-81**

A RESOLUTION FIXING THE TAX LEVY FOR THE VARIOUS FUNDS OF MELROSE ELEMENTARY SCHOOL DISTRICT NO. 5 AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2008 – 2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



**17. COUNCIL RESOLUTION NO. 08-83**

A RESOLUTION TO CREATE A CAPITAL PROJECT FUND FOR THE BUTTE-SILVER BOW PUBLIC LIBRARY AND TO AUTHORIZE THE TRANSFER OF FUNDS TO BE DEPOSITED IN THE GENERAL FUND LIBRARY DEPRECIATION AND RESERVE FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**18. COUNCIL RESOLUTION NO.08-84**

RESOLUTION RELATION TO \$[\_\_\_\_\_] WATER SYSTEM REVENUE REFUNDING BONDS, SERIES 2008, AND THE MUNICIPAL WATER SYSTEM; AUTHORIZING THE ISSUANCE OF THE BONDS AND THE EXECUTION AND DELIVERY OF A FIFTH SUPPLEMENTAL INDENTURE OF TRUST AND RELATED DOCUMENTS

**SECTION V ORDINANCES AND RESOLUTIONS –  
FINAL READING**

**1. COUNCIL RESOLUTION NO. 08-62**

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS TRACT G OF THE SALLE MINOR SUBDIVISION, PLAT NO. 252-A, ALSO KNOWN AS A PORTION OF THE BUFFALO LODGE (AN UNFILED PLAT), MINERAL SURVEY NO. 579 LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M. **It was moved by Commissioner Lee, seconded by Commissioner Coleman and carried with a roll call vote of 9 yeas, 0 nays and 3 absent to place Council Resolution No. 08-62 on final reading and passed having been deemed fully read at length.**

**2. COUNCIL RESOLUTION NO. 08-63**

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS ALL OF BUTTE-SILVER BOW'S INTEREST IN TRACT 2, CERTIFICATE OF SURVEY NO. 869-B, ALSO KNOWN AS A PORTION OF CASH ENTRY 1098, LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 28, TOWNSHIP 3 NORTH, RANGE 7 WEST, P.M.M, OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Lee, seconded by Commissioner Coleman and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to place Council**

**Resolution No. 08-63 on final reading and passed having been deemed fully read at length.**

**3. COUNCIL RESOLUTION NO. 08-64**

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS THE SOUTH PORTION OF LOTS 5 AND 6 IN BLOCK 11 OF THE HOPE ADDITION AND THE SOUTH 40 OF LOTS NUMBERED 1 AND 2 IN BLOCK 1 OF THE VOLUNTEER ADDITION OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS' RETAINING A 10 FOOT EASEMENT FOR ROADWAY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Lee, seconded by Commissioner Coleman and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to place Council Resolution No. 08-64 on final reading and passed having been deemed fully read at length.**

**ADJOURN**

**There being no further business to come before the Council, it was moved by Commissioner Lee, seconded by Commissioner Coleman and carried by a unanimous verbal vote to Rise to the Call of the Chair.**

The meeting adjourned at 8:24 PM.

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CHIEF EXECUTIVE

ATTEST:

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CLERK AND RECORDER

